

**FINDINGS OF CONFORMANCE
MULTIPLE SPECIES CONSERVATION PROGRAM
For Totten
Log No. 05-14-031**

November 28, 2006

I. Introduction

The project proposes to construct one new residential home on the north section of a 28.5-acre parcel. The development impact area includes one housing pad, access driveway with stormwater management BMPs, leach field, water tank and well, and 100-foot fire clearing buffer.

The project is located north of La Cresta Road and east of Ranch Gate Road, within the community of Crest (APN 508-140-01). The project is within a PAMA of the Metro-Lakeside-Jamul segment of the MSCP and is within the I-8 at Lakeside linkage which also includes Crestridge Ecological Reserve. Surrounding the site are rural residential uses to the south and west and undeveloped Coastal sage scrub to the north and east all of which is within existing biological open space easements (Crestridge Ecological Reserve) besides a small development bubble adjacent to the northeast of the project site.

The site is currently undeveloped and supports 28.5 acres of Coastal sage scrub. It previously burned in the October 2003 wildfires, but has recovered. One sensitive plant was observed on-site: San Diego sunflower (*Viguiera laciniata*)-County Group D sensitive species. The Orange-throated whiptail was the only sensitive animal species observed on-site. However, several other animal species have the potential to occur on-site as there is suitable habitat on-site and they are known to occur in the area: reptiles such as the Silvery legless lizard, Coast horned lizard and Northern red rattlesnake; birds such as the Southern California rufous crowned sparrow and California gnatcatcher; and mammals such as the northwestern San Diego pocket mouse, San Diego black-tailed jack rabbit and mule deer.

There is a total of 3.0 acres of impact (2.8 acres on-site and 0.2 acres off-site) to Coastal sage scrub associated with the development of one single-family residence. Mitigation is proposed onsite at a ratio of 1.5:1 in accordance with BMO mitigation requirements for Tier II habitat. Thus, a 4.5 acre biological open space easement is proposed along the southern portion of the site. It is important to note that the remainder of the site that is not considered impacted, and is not within the proposed biological open space easement is considered avoided. That is, no other impacts nor development including the establishment of agriculture can take place without further CEQA review.

Table 1. Impacts to Habitat and Required Mitigation

Habitat Type	Tier Level	Existing On-site (ac.)	Proposed Impacts (ac.)	Mitigation Ratio	On-site open space/Required Mitigation (ac)	Habitat avoided (ac)
Coastal sage scrub	II	28.5	3.0*	1.5:1	4.5	21.2
Total:	--	28.5	3.0	--	4.5	21.2

* Includes 0.2 acre of offsite impact.

The findings contained within this document are based on County records, staff field site visits and the Biological Letter Report prepared by REC Consultants dated August 4, 2005 and received August 9, 2006. The information contained within these Findings is correct to the best of staff's knowledge at the time the findings were completed. Any subsequent environmental review completed due to changes in the proposed project or changes in circumstance shall need to have new findings completed based on the environmental conditions at that time.

The project has been found to conform to the County's Multiple Species Conservation Program (MSCP) Subarea Plan, the Biological Mitigation Ordinance (BMO) and the Implementation Agreement between the County of San Diego, the CA Department of Fish and Game and the US Fish and Wildlife Service. Third Party Beneficiary Status and the associated take authorization for incidental impacts to sensitive species (pursuant to the County's Section 10 Permit under the Endangered Species Act) shall be conveyed only after the project has been approved by the County, these MSCP Findings are adopted by the hearing body and all MSCP-related conditions placed on the project have been satisfied.

II. Biological Resource Core Area Determination

The impact area and the mitigation site shall be evaluated to determine if either or both sites qualify as a Biological Resource Core Area (BRCA) pursuant to the BMO, Section 86.506(a)(1).

A. Report the factual determination as to whether the proposed Impact Area qualifies as a BRCA. The Impact Area shall refer only to that area within which project-related disturbance is proposed, including any on and/or off-site impacts.

The site qualifies as a BRCA it meets the Finding that the entire site is shown as Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.

B. Report the factual determination as to whether the Mitigation Site qualifies as a BRCA.

As a Biological Resource Core Area, the open space resulting from this project is considered part of the regional MSCP preserve system. As such, all of the requirements relating to the "Preserve" outlined in the County's Subarea Plan,

the Implementation Agreement and the Final MSCP Plan apply to this open space.

III. Biological Mitigation Ordinance Findings

A. Project Design Criteria (Section 86.505(a))

The following findings in support of Project Design Criteria, including Attachments G and H (if applicable), must be completed for all projects that propose impacts to Critical Populations of Sensitive Plant Species (Attachment C), Significant Populations of Narrow Endemic Animal Species (Attachment D), Narrow Endemic Plant Species (Attachment E) or Sensitive Plants (San Diego County Rare Plant List) or proposes impacts within a Biological Resource Core Area.

1. Project development shall be sited in areas to minimize impact to habitat.

Project development has been sited on a promontory towards the northeast section of the irregular shaped parcel. There is off-site development to the northeast of the site situated along the same private road easement that provides access to this project site. Access to the proposed pad will be along a driveway that follows an existing dirt road. Habitat impacts have been minimized by locating the pad as close as possible to the existing access road. The irregular and narrow shape of the parcel constrains the length of the driveway and thus possible locations of the pad.

2. Clustering to the maximum extent permitted by County regulations shall be considered where necessary as a means of achieving avoidance.

The project is a minor grading permit for the construction of one single-family residence and thus clustering is not applicable.

3. Notwithstanding the requirements of the slope encroachment regulations contained within the Resource Protection Ordinance, effective October 10, 1991, projects shall be allowed to utilize design that may encroach into steep slopes to avoid impacts to habitat.

Steep slopes land do exist on-site but encroaching into steep slopes does not avoid impacts to habitat. Thus, this Finding is not applicable.

4. The County shall consider reduction in road standards to the maximum extent consistent with public safety considerations.

No road improvements are required as a result of the project.

- 5. Projects shall be required to comply with applicable design criteria in the County MSCP Subarea Plan, attached hereto as Attachment G (Preserve Design Criteria) and Attachment H (Design Criteria for Linkages and Corridors).**

The project proposes impacts to a BRCA and is within a critical linkage (I-8 at Lakeside include Crestridge Ecological Reserve). Thus, Findings in support of Preserve Design Criteria and Design Criteria for Linkages and Corridors (Attachments G and H) will be completed.

B. Preserve Design Criteria (Attachment G)

In order to ensure the overall goals for the conservation of critical core and linkage areas are met, the findings contained within Attachment G shall be required for all projects located within Pre-Approved Mitigation Areas or areas designated as Preserved as identified on the Subarea Plan Map.

- 1. Acknowledge the “no net loss” of wetlands standard that individual projects must meet to satisfy State and Federal wetland goals, policies, and standards, and implement applicable County ordinances with regard to wetland mitigation.**

There are no wetlands on-site and thus the no net loss wetlands standard has been met.

- 2. Include measures to maximize the habitat structural diversity of conserved habitat areas, including conservation of unique habitats and habitat features.**

The entire site is composed of Coastal sage scrub. Impacts are constrained to the area as shown on the minor grading plan. No other impacts can occur without CEQA review. Even though the site is zoned A70, limited agriculture and agricultural uses are allowed by right, the County Grading Ordinance does not allow new agricultural operations to be established without review. Therefore, 21.0 acres of the site is considered avoided in accordance with BMO avoidance criteria Section 86.505. To meet the mitigation requirements pursuant to the BMO, 4.5 acres is preserved within an open space easement. The proposed pad is on a promontory, but there are other habitat features including ridges, drainage features and promontories that are either preserved or avoided and therefore the project has included measures to maximize the habitat structural diversity of conserved habitat areas.

- 3. Provide for the conservation of spatially representative examples of extensive patches of Coastal sage scrub and other habitat types that were ranked as having high and very high biological value by the MSCP habitat evaluation model.**

The project proposes 4.5 acres of open space easement along the southern boundary of the site adjacent to preserve lands to the east. The habitat here is mapped as very high value by the MSCP habitat evaluation model. Additionally, habitat that has been avoided is adjacent to existing biological open space easements to the north and east.

- 4. Create significant blocks of habitat to reduce edge effects and maximize the ratio of surface area to the perimeter of conserved habitats. Subsequently, using criteria set out in Chapter 6, Section 6.2.3 of the MSCP Plan, potential impacts from new development on biological resources within the preserve that should be considered in the design of any project include access, non-native predators, non-native species, illumination, drain water (point source), urban runoff (non-point source) and noise.**

The proposed 4.5-acre block of open space has some connection to off-site open space easements and is far away from the proposed single-family residence and it will not be subject to edge effects associated with the project. The avoided habitat may be subject to some edge effects associated with the stormwater management BMP requirements. However, these BMPs have been included as part of the project impacts and the approved minor grading plan. No other impacts can occur that are not shown on the minor grading plan without further CEQA review. Additionally, permanent fencing will be required to separate the proposed development from habitat that is considered avoided.

- 5. Provide incentives for development in the least sensitive habitat areas.**

The area that is to be developed is on a promontory that has sparse native vegetation and is connected to the offsite access road via an existing dirt road. This area is as close as possible to the existing offsite access road given the irregular and narrow shape of the parcel that constrains the length of the driveway and thus possible locations of the pad.

- 6. Minimize impacts to narrow endemic species and avoid impacts to core populations of narrow endemic species.**

No narrow endemics were observed onsite or are expected to occur on-site. Two narrow endemics are known to occur within the Crestridge Ecological Reserve: Lakeside ceanothus (*Ceanothus cyaneus*) and San Diego thornmint (*Acanthomintha ilicifolia*). However, these have been rated with a low potential to occur onsite according to the Biological Letter Report prepared by REC Consultants dated August 4, 2005 and received August 9, 2006.

7. Preserve the biological integrity of linkages between BRCAs.

The biological integrity of linkages between BRCAs has been preserved as only one single family residence has been proposed. That is, there are impacts to 9.8% of the site, 15.8% has been preserved and 74.4% of the site has been avoided. Wildlife may continue to utilize the site and move through the site to preserve lands to the north and east.

8. Achieve the conservation goals for covered species and habitats (refer to Table 3-5 of the MSCP Plan).

No covered species were observed on-site or are expected to occur on-site. Given that birds such as the federally threatened California gnatcatcher may disperse into the area as regeneration of previously burned coastal sage scrub continues, no land disturbance during gnatcatcher breeding season will be a condition of the project.

C. Design Criteria for Linkages and Corridors (Attachment H)

For project sites located within a regional linkage and/or that support one or more potential local corridors, the following findings shall be required to protect the biological value of these resources:

1. Habitat linkages as defined by the BMO, rather than just corridors, will be maintained.

The project is located at the western edge of the Crestridge Ecological Reserve an identified habitat linkage. The project site is 28.5 acres of which three acres (including 0.2 acres off-site) will be directly impacted associated with a proposed single-family residence. However, the remainder of the site is considered either preserved or avoided. The single-family residence is as close as possible to another small development bubble located off-site to the northeast within the linkage. Due to the small amount of impact associated with the project and the large amount of existing preserve off-site, the habitat linkage will be maintained.

2. Existing movement corridors within linkages will be identified and maintained.

It is likely that wildlife can continue to move through the site and off-site with the proposed development. A valley off-site to the west is a likely wildlife movement corridor and access to this valley will not be restricted as a result of the project. Additionally, wildlife access along the north-south trending ridgeline that roughly occurs along the eastern edge of the property, as well as the dirt road that forms the eastern property boundary will not be restricted as a result of the project. No further development than that shown on the

minor grading plan can occur without additional CEQA review and thus movement corridors within wildlife linkages identified above have been maintained.

3. Corridors with good vegetative and/or topographic cover will be protected.

Vegetation on-site is still recovering from the 2003 fires and thus habitat is generally considered open shrub canopy. Potential wildlife corridors such as the ridgeline along the eastern portion of the site and access to the valley off-site are preserved and/or avoided.

4. Regional linkages that accommodate travel for a wide range of wildlife species, especially those linkages that support resident populations of wildlife, will be selected.

The regional linkage will not be affected by the project as the site is at the very eastern edge of the identified linkage. According to the Biological Letter Report prepared by REC Consultants dated August 4, 2005 and received August 9, 2006 only small and medium size mammals (as well as reptiles and birds) utilize the site. This use should not be affected by the proposed single-family residence development that will only impact 2.8 acres of the 28.5-acre site. The 2,638-acre Crestridge Ecological Reserve to the north and east of the project site will continue to accommodate travel for a wide range of wildlife species.

5. The width of a linkage will be based on the biological information for the target species, the quality of the habitat within and adjacent to the corridor, topography, and adjacent land uses. Where there is limited topographic relief, the corridor must be well vegetated and adequately buffered from adjacent development.

The width of the identified linkage will not essentially be impacted as a result of the project. That is, there are approximately 2,600 acres of preserve land immediately adjacent to the site. The proposed development is situated as close as possible to another small development bubble that lies off-site to the northeast.

6. If a corridor is relatively long, it must be wide enough for animals to hide in during the day. Generally, wide linkages are better than narrow ones. If narrow corridors are unavoidable, they should be relatively short. If the minimum width of a corridor is 400 feet, it should be no longer than 500 feet. A width of greater than 1,000 feet is recommended for large mammals and birds. Corridors for bobcats, deer, and other large animals should reach rim-to-rim along drainages, especially if the topography is steep.

The on-site and off-site wildlife corridors such as the valley off-site to the west and the north-south trending ridgeline onsite will not be impacted by the project. The on-site preservation of 4.5 acres along the southern property line is connected to off-site preserve lands and will ultimately contribute to the Crestridge linkage. It should be noted that wildlife surveys were conducted before the fires and there was no evidence of larger mammal use of the site such as bobcats, mountain lion and deer. Thus, even though there is a valley off-site to the west and proposed development may be considered to be at the top of a promontory overlooking the valley/drainage, this valley is at the very western boundary of any identified linkage and is most likely not used by larger mammals.

- 7. Visual continuity (i.e., long lines-of-site) will be provided within movement corridors. This makes it more likely that animals will keep moving through it. Developments along the rim of a canyon used as a corridor should be set back from the canyon rim and screened to minimize their visual impact.**

The addition of a single-family residence may affect visual continuity within movement corridors, especially the north-south trending ridgeline on-site and or valley/drainage off-site. However, smaller mammals, reptiles and birds that are more likely to utilize the site should not be affected. Larger mammals can continue to move and utilize preserve lands within the Crestridge Ecological Reserve.

- 8. Corridors with low levels of human disturbance, especially at night, will be selected. This includes maintaining low noise levels and limiting artificial lighting.**

It is not expected that the proposed single-family development will contribute to significant increase in noise or lighting levels. The project will conform to the County Noise Ordinance and Dark Skies Ordinance. Additionally fencing of the development area will provide a buffer to avoided on-site areas.

- 9. Barriers, such as roads, will be minimized. Roads that cross corridors should have ten foot high fencing that channels wildlife to underpasses located away from interchanges. The length-to-width ratio for wildlife underpasses is less than 2, although this restriction can be relaxed for underpasses with a height of greater than 30 feet.**

No barriers such as roads are proposed within the Crestridge Ecological Preserve or the habitat on the project site. Therefore, no barriers to wildlife movement are anticipated from the project.

10. Where possible at wildlife crossings, road bridges for vehicular traffic rather than tunnels for wildlife use will be employed. Box culverts will only be used when they can achieve the wildlife crossing/movement goals for a specific location. Crossings will be designed as follows: sound insulation materials will be provided; the substrate will be left in a natural condition, and vegetated with native vegetation if possible; a line-of-site to the other end will be provided; and if necessary, low-level illumination will be installed in the tunnel.

No wildlife crossings are associated with this project.

11. If continuous corridors do not exist, archipelago (or stepping-stone) corridors may be used for short distances. For example, the gnatcatcher may use disjunct patches of sage scrub for dispersal if the distance involved is less than 1-2 miles.

The corridor that adjoins the project site to the west is continuous and its continuity will not be impacted by this project. Wildlife movement is through Crestridge Ecological Preserve is maintained.

IV. Subarea Plan Findings

Conformance with the objectives of the County Subarea Plan is demonstrated by the following findings:

1. The project will not conflict with the no-net-loss-of-wetlands standard in satisfying State and Federal wetland goals and policies.

There are no wetlands on-site and thus the no net loss wetlands standard has been met.

2. The project includes measures to maximize the habitat structural diversity of conserved habitat areas including conservation of unique habitats and habitat features.

The entire site is composed of Coastal sage scrub. Impacts are constrained to the area as shown on the minor grading plan. No other impacts can occur without CEQA review. Even though the site is zoned A70, limited agriculture and agricultural uses are allowed by right, the County Grading Ordinance does not allow new agricultural operations to be established without review. Therefore, 21.0 acres of the site is considered avoided in accordance with BMO avoidance criteria Section 86.505. To meet the mitigation requirements pursuant to the BMO, 4.5 acres is preserved within an open space easement. The proposed pad is on a promontory, but there are other habitat features including ridges, valleys and promontories that are either preserved or avoided and therefore the project

has included measures to maximize the habitat structural diversity of conserved habitat areas.

- 3. The project provides for conservation of spatially representative examples of extensive patches of Coastal sage scrub and other habitat types that were ranked as having high and very high biological values by the MSCP habitat evaluation model.**

The project proposes 4.5 acres of open space easement along the southern boundary of the site. The habitat here is mapped as very high value by the MSCP habitat evaluation model. Additionally, the 21.0 acres of habitat that has been avoided is adjacent to existing biological open space easements to the north and east.

- 4. The project provides for the creation of significant blocks of habitat to reduce edge effects and maximize the ratio of surface area to the perimeter of conserved habitats.**

The proposed 4.5-acre block of open space has some connection to off-site open space easements and is far away from the proposed single-family residence and it will not be subject to edge effects associated with the project. The avoided habitat may be subject to some edge effects associated with the stormwater management BMP requirements. However, these BMPs have been included as part of the project impacts and the approved minor grading plan. No other impacts can occur that are not shown on the minor grading plan without further CEQA review. Additionally, permanent fencing will be required to separate the proposed development from habitat that is considered avoided.

- 5. The project provides for the development of the least sensitive habitat areas.**

The area that is to be developed is on a promontory that has sparse native vegetation and is connected to the off-site access road via an existing dirt road. This area is as close as possible to the existing access road given the irregular and narrow shape of the parcel that constrains the length of the driveway and thus possible locations of the pad.

- 6. The project provides for the conservation of key regional populations of covered species, and representations of sensitive habitats and their geographic sub-associations in biologically functioning units.**

The project provides for the conservation of key regional populations by preserving and/or avoiding 90.2% of the 28.5 acre parcel in a biological functioning unit with connectivity to existing preserved lands to the north and east.

- 7. Conserves large interconnecting blocks of habitat that contribute to the preservation of wide-ranging species such as Mule deer, Golden eagle, and predators as appropriate. Special emphasis will be placed on conserving adequate foraging habitat near Golden eagle nest sites.**

The project through avoidance has conserved a large interconnecting block of habitat as only one single-family residence has been proposed. That is, there are impacts to 9.8% of the site, 15.8% has been preserved and 74.4% of the site has been avoided. Wildlife may continue to utilize the site and move through the site to preserve lands to the north and east. It is not expected that wide-ranging species are moving through or utilizing the site as the project site is at the very western edge of the Crestridge Ecological Preserve and there are residential uses to the west and south.

- 8. All projects within the San Diego County Subarea Plan shall conserve identified critical populations and narrow endemics to the levels specified in the Subarea Plan. These levels are generally no impact to the critical populations and no more than 20 percent loss of narrow endemics and specified rare and endangered plants.**

No narrow endemics were observed on-site or are expected to occur on-site. Two narrow endemics are known to occur within the Crestridge Mitigation Bank: Lakeside ceanothus (*Ceanothus cyaneus*) and San Diego thornmint (*Acanthomintha ilicifolia*). However, these have been rated with a low potential to occur onsite according to the Biological Letter Report prepared by REC Consultants dated August 4, 2005 and received August 9, 2006.

- 9. No project shall be approved which will jeopardize the possible or probable assembly of a preserve system within the Subarea Plan.**

The 4.5 acres of on-site open space proposed will contribute towards a preserve system. Additionally, only 2.8 acres of on-site impact are proposed. The remainder of the 28.5-acre site is considered avoided as no additional impacts can occur without further CEQA review.

- 10. All projects that propose to count on-site preservation toward their mitigation responsibility must include provisions to reduce edge effects.**

The proposed 4.5-acre block of open space has some connection to off-site open space easements and is far away from the proposed single-family residence it will not be subject to edge effects associated with the project. The avoided habitat may be subject to some edge effects associated with the stormwater management BMP requirements. However, these BMPs have been included as part of the project impacts and the approved minor grading plan. No other impacts can occur that are not shown on the minor grading plan without further CEQA review. Additionally, permanent fencing will be required to separate the

proposed development from habitat that is considered avoided aiding in reducing edge effects.

11. Every effort has been made to avoid impacts to BRCAs, to sensitive resources, and to specific sensitive species as defined in the BMO.

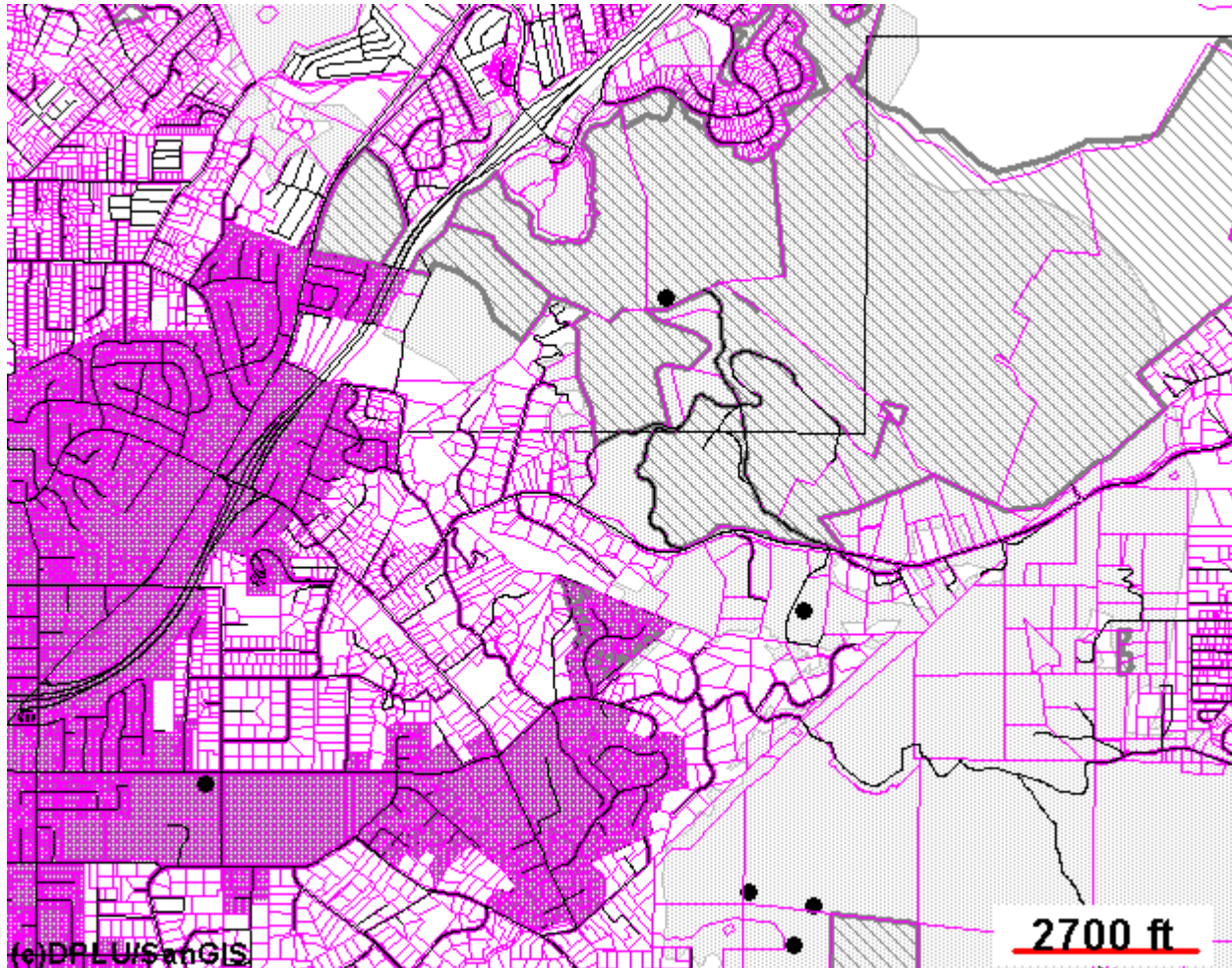
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There is a total of 3.0 acres of impact (2.8 acres on-site and 0.2 acres off-site) to Coastal sage scrub associated with the development of one single-family residence. Mitigation is proposed on-site at a ratio of 1.5:1 in accordance with BMO mitigation requirements for Tier II habitat. Thus, a 4.5-acre biological open space easement is proposed along the southern portion of the site. It is important to note that the remainder of the site that is not considered impacted, and is not within the proposed biological open space easement is considered avoided. That is, impacts are constrained to the area as shown on the minor grading plan and no other impacts nor development including the establishment of agriculture can take place without further CEQA review.

Project development has been sited on a promontory towards the northeast section of the irregular shaped parcel. There is off-site development to the northeast of the site situated along the same private road easement that provides access to this project site. Access to the proposed pad will be along a driveway that follows an existing dirt road. Habitat impacts have been minimized by locating the pad as close as possible to the existing access road. The irregular and narrow shape of the parcel constrains the length of the driveway and thus possible locations of the pad.

There are impacts to 9.8% of the sensitive Coastal sage scrub on-site. There will be no direct impacts to specific sensitive species. Preservation of 15.8% of the site and avoidance of 74.4% of the site reduces impacts to less than significant and meets this Finding.

MSCP Designation For Totten ER05-14-031



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|  Streets |  Major Amend Area |
|  Freeways |  Minor Amend Area |
|  Parcels |  MSCP PAMA |
|  Lakes |  Take Authorized Areas |
|  Rivers |  Planned Preserve |
|  Creeks |  Biological & Openspace Easements |